

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 5:11CV9
(STAMP)

WHEELING HOUSING AUTHORITY,

Defendant.

**ORDER CONFIRMING PRONOUNCED ORDER OF THE COURT
APPROVING SETTLEMENT AND DISMISSING CASE**

On April 23, 2012 the parties came before this Court by counsel requesting approval of a settlement which includes a minor beneficiary. The minor beneficiary, along with her mother, another beneficiary of the settlement, also appeared before the Court at this hearing. This Court heard testimony regarding the monetary settlement which was proposed to be paid to the minor beneficiary, as well as regarding the minor beneficiary's injuries and damages which were the result of the acts and/or omissions attributable to Wheeling Housing Authority. This Court made several findings at that hearing, and this order is in confirmation of those findings.

Pursuant to its duty and authority under to Federal Rule of Civil Procedure 17(c), this Court found that the settlement amount was reasonable and appropriate, and was in the best interests of the minor child. The reasons for this finding were as follows:

1. This settlement was negotiated not only to reflect the damages to the infant N.L. and the other beneficiaries, but to reflect the need to abate the discrimination that was perceived to

be occurring by the Wheeling Housing Authority and to correct what seemed to be inaction in formulating policies or taking other action with regard to this.

2. While N.L. did see a psychiatrist or psychologist or counselor, this counseling involved matters that were unconnected to the alleged harassment suffered by N.L. which was the subject of this lawsuit, and N.L. only discussed these occurrences as part of her treatment previously commenced.

3. N.L. indicated that she suffered no continuing trauma as a result of the alleged harassment, psychological or otherwise, as of the date of the hearing.

4. N.L.'s personal exposure to the alleged harassment involved in this matter was limited, and by her testimony only occurred twice.

5. The focus of the monetary settlement was the effects of the acts and/or omissions of Wheeling Housing Authority in its alleged failure to properly respond to complaints of harassment filed by N.L.'s mother. Accordingly, the proper gauge of redressable injury is that which occurred or was exacerbated by the acts and/or omissions of Wheeling Housing Authority, rather than by the acts and/or omissions of the harassing individual(s).

This Court further found at the hearing that the terms of the proposed consent order, which will be entered by this Court by separate order, properly protected the interests of N.L. in that it ensured that the settlement funds would be deposited in an interest

bearing account with J.P. Morgan Chase Bank, N.A., and would not be accessible to N.L. until she reaches the age of majority. This Court further found that it was convinced that both N.L.'s mother and N.L. herself, who is sixteen years of age, understood these terms. This Court believes that, in lieu of appointing a guardian ad litem in this case, the findings made at the evidentiary hearing on April 23, 2012, along with this order, satisfy the requirements of Federal Rule of Civil Procedure 17(c) because this Court has, in the opinion of the undersigned judge, made findings and rulings which are intended to "protect [the] minor . . . who is unrepresented in an action."

Accordingly, in confirmation of the ruling of this Court made at the April 23, 2012 hearing, the settlement between the parties which includes a minor beneficiary, N.L., is hereby APPROVED. Further, as all matters in controversy in this matter have been settled and resolved, this civil action is DISMISSED WITH PREJUDICE subject to this Court retaining jurisdiction for purposes of enforcing the terms of the approved settlement and consent decree, entered by separate order of this Court.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: April 26, 2012

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE